

one outer box, and the gross weight of the outer box may not exceed 16 kg (35 pounds).

(4) In other packagings of a type or design which has been approved by the Associate Administrator.

(d) Tear gas devices may be shipped completely assembled when offered by or consigned to the U.S. Department of Defense, provided the functioning elements are so packed that they cannot accidentally function. Outer packagings must be UN 4C1, 4C2, 4D, or 4F metal-strapped wooden boxes.

[Amdt. 173-224, 55 FR 52669, Dec. 21, 1990, as amended 66 FR 45379, Aug. 28, 2001]

Subpart H [Reserved]

Subpart I—Class 7 (Radioactive) Materials

SOURCE: Amdt. 173-244, 60 FR 50307, Sept. 28, 1995, unless otherwise noted.

§ 173.401 Scope.

(a) This subpart sets forth requirements for the packaging and transportation of Class 7 (radioactive) materials by offerors and carriers subject to this subchapter. The requirements prescribed in this subpart are in addition to, not in place of, other requirements set forth in this subchapter for Class 7 (radioactive) materials and those of the Nuclear Regulatory Commission in 10 CFR part 71.

(b) This subpart does not apply to:

(1) Class 7 (radioactive) materials produced, used, transported, or stored within an establishment other than during the course of transportation, including storage in transportation.

(2) Class 7 (radioactive) materials that have been implanted or incorporated into, and are still in, a person or live animal for diagnosis or treatment.

(3) Class 7 (radioactive) material that is an integral part of the means of transport.

(4) Natural material and ores containing naturally occurring radionuclides which are not intended to be processed for use of these radionuclides, provided the activity concentration of the material does not ex-

ceed 10 times the values specified in § 173.436.

[Amdt. 173-244, 60 FR 50307, Sept. 28, 1995, as amended at 69 FR 3670, Jan. 26, 2004]

§ 173.403 Definitions.

For purposes of this subpart—

A₁ means the maximum activity of special form Class 7 (radioactive) material permitted in a Type A package. This value is either listed in § 173.435 or may be derived in accordance with the procedures prescribed in § 173.433.

A₂ means the maximum activity of Class 7 (radioactive) material, other than special form material, LSA material, and SCO, permitted in a Type A package. This value is either listed in § 173.435 or may be derived in accordance with the procedures prescribed in § 173.433.

Class 7 (radioactive) material See the definition of *Radioactive material* in this section.

Closed transport vehicle means a transport vehicle or conveyance equipped with a securely attached exterior enclosure that during normal transportation restricts the access of unauthorized persons to the cargo space containing the Class 7 (radioactive) materials. The enclosure may be either temporary or permanent, and in the case of packaged materials may be of the “see-through” type, and must limit access from top, sides, and bottom.

Consignment means a package or group of packages or load of radioactive material offered by a person for transport in the same shipment.

Containment system means the assembly of components of the packaging intended to retain the Class 7 (radioactive) material during transport.

Contamination means the presence of a radioactive substance on a surface in quantities in excess of 0.4 Bq/cm² for beta and gamma emitters and low toxicity alpha emitters or 0.04 Bq/cm² for all other alpha emitters. Contamination exists in two phases.

(1) *Fixed radioactive contamination* means radioactive contamination that cannot be removed from a surface during normal conditions of transport.

(2) *Non-fixed radioactive contamination* means radioactive contamination that can be removed from a surface during normal conditions of transport.